

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF ARON) APPEAL NO. 07-A-2451
STANCIU from the decision of the Board of) FINAL DECISION
Equalization of Canyon County for tax year 2007.) AND ORDER

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing October 22, 2007 in Caldwell, Idaho before Hearing Officer Steven Wallace. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Appellant Aron Stanciu appeared at hearing with his spouse Eupenio Stanciu and son Christian Stanciu. Appraisal Supervisor Barbara Wade and County Appraiser Katrina Ponce appeared for Respondent Canyon County. This appeal is taken from a decision of the Canyon County Board of Equalization (BOE) modifying the protest of the valuation for taxing purposes of property described as Parcel No. 31375000 0.

The issue on appeal is the market value of residential property.

The decision of the Canyon County Board of Equalization is reversed.

FINDINGS OF FACT

The assessed land value is \$55,220, the main residence value is \$446,800, and an out-building is \$22,400, totaling \$524,420.¹ Appellant requests the land value be reduced to \$35,000, the main residence be reduced to \$350,000, and the out-building be reduced to \$19,000, totaling \$404,000.

The subject property is 1.95 acres improved with a 4,618 square foot residence. The site is triangular in shape and also contains an old farm house used for storage. The residence was owner-built over six (6) years at a reported cost of \$200,000. County records reflect a year built

¹ Subject's assessment by the BOE appeared to reflect a clerical error. Purportedly the BOE accepted a change to the assessment recommended by the Assessor. The figures above reflect the Assessor's numbers.

of 1999. The first level has extensive brick veneer finish. The County noted there were some functional utility problems in the residence. The owner reported the homesite has no landscaping or sprinkler system. Other features remain unfinished including no rain gutters. Splitting the large lot is not a readily available option.

Appellant believed subject was over-assessed because it is unfinished, the market has slowed, and due to its location. Subject is the largest home in its neighborhood. Most residences were said to be about \$200,000 in value and much smaller in size. It was noted most large residences were located in superior locations, among similarly improved properties. The County comparable sales were argued to represent such properties and in each instance to be superior to, or more desirable than, the subject property. Using such comparables in subject's assessment was contended to over-value the subject improvements. Appellant also noted subject backs up to property with outside yard storage.

The parties spoke of one large residence built in 1993 and located down the street from subject that has 3,400 to 3,500 square feet situated on two (2) acres. It was reportedly listed for three (3) years at about \$350,000 without a sale.

Appellant's specific value claim was determined after reviewing other large residence assessments and their sold or list prices. A number of MLS sheets were submitted with notations indicating the respective assessed values. County records indicate most of the assessed values presented were for the 2005 tax year. Where applicable, the 2007 assessments for these comparison properties were all higher.

Respondent presented an analysis of four (4) sales from 2006. The land sizes ranged from .45 acres to 5 acres. The residences had from 4,042 to 5,366 square feet and were built between 1993 to 2006. The sale prices ranged from \$519,000 to \$800,000. The sale prices

were not adjusted. All the properties appeared to be in higher property - priced neighborhoods. The indicated rates per square foot (rounded) were \$86, \$101, \$109 and \$118. Comparable No. 4 at \$86, with .45 acres and 5,266 square feet of living area, was noted to be the closest to subject. The other sales appeared to be a number of miles distant from subject. Taxpayer's value claim works out to about \$88 per square foot. Subject's assessed value is about \$114 per square foot.

In addition to reviewing its own comparable properties, the Assessor reviewed each of Appellant's comparison properties. In one instance, it was noted the property was overbuilt for its subdivision which severely affects resale. The Board notes this point was a significant argument in support of Appellant's value case. The Assessor agreed subject was a unique property.

The County's final exhibit materials documented a number of recent, small acreage land sales. One 1.11 acre sale from March 2006 was highlighted. It appeared to be located in the next section and had a sale price of \$120,000. All the sale prices exceeded subject's assessed land value. It was opined the sales supported a subject land value closer to \$150,000.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

The subject residence is abnormally large for its neighborhood. It reflects a nonconforming use. The County acknowledged a significant impact from this situation in referring to one of Appellant's comparison properties. However the Board did not find where the

County gave due consideration to this factor in the valuation of subject.

The County comparable sales were somewhat similar to subject when compared strictly on size or age related considerations. However in no instance were the offered properties representative of subject in the overbuilt value factor. The discussions surrounding a large (3,400 to 3,500 square feet) residence down the street from subject speak loudly to this Board on the potential impact in subject neighborhood of an abnormally large property. A 3 year listing suggests marketing difficulty. The listing price may suggest a ceiling on the value of such an oversized property.

The Board finds an important value factor associated with subject was not duly considered. Subject's market value should be something less than the values indicated by the County comparables. Appellant's value claim bears a reasonable relationship to the sales and the suggested listing price of the large property in its own neighborhood. Therefore the Board will reverse the decision of the Canyon County Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Canyon County Board of Equalization concerning the subject parcel be, and the same hereby is, reversed lowering the assessed value to \$404,000. The reduction in value should be understood to apply to the improvements' value.

IT IS FURTHER ORDERED that any taxes which have been paid in excess of those determined to have been due be refunded or applied against other *ad valorem* taxes due from Appellant.

MAILED APRIL 30, 2008